

**2005-2006**

**LOCAL RULE AMENDMENTS**

**DISTRICT OF ARIZONA**

**F.R.CIV.P. 5. Service and Filing of Pleadings and Other Papers**

**LRCiv 5.1**

**PLACES FOR FILING**

(a) **Clerk's Offices; Place of Filing.** ~~Permanent Offices of~~ the Clerk are maintained at Phoenix and at Tucson ~~and shall be open during regular business hours, as designated and posted by the Clerk of Court, on each day except Saturdays, Sundays, and legal holidays enumerated in Fed.R.Civ.P. 77(c), when the offices are closed unless otherwise ordered by the Court.~~ All files and records of the Phoenix and Prescott divisions shall be kept at Phoenix, and all files and records of the Tucson division shall be kept at Tucson. Unless otherwise ordered by the Court, all filings for the Phoenix and Prescott divisions shall be made in Phoenix, and all filings for the Tucson division shall be made in Tucson. In cases where the cause of action has arisen in more than one county, the plaintiff may elect any of the divisions appropriate to those counties for filing and trial purposes, although the Court reserves the right to assign any cases for trial elsewhere in the District at its discretion.

(b) **Writs of Habeas Corpus.** Notwithstanding the requirements of Rule 77.1(c) of the Local Rules of Civil Procedure, Petitions for writs of habeas corpus brought under 28 U.S.C. § 2254 by a person in State custody ~~under 28 U.S.C. § 2254, notwithstanding the requirements of Rule 77.1(b), Local Rules of Civil Procedure shall~~ must be filed in the division which includes the County in which

the judgment of conviction was entered, and not necessarily in the division where the person is presently held in custody.

**LRCiv 5.4**

**FILING; COPY FOR JUDGE**

~~Except for routine discovery notices, a~~ clear, legible copy of ~~every~~a pleading or other document filed shall accompany each original pleading or other document filed with the Clerk ~~as prescribed by the Court's Administrative Policies and Procedures Manual~~ for use by the District Judge or Magistrate Judge to whom the case is assigned and additional copies for each Judge in three-judge cases. This requirement applies to file a paper copy does not apply unrepresented parties and applies to electronic filings made pursuant to LRCiv 5.5, except as prescribed by the Court's Administrative Policies and Procedures Manual.

## LRCiv 5.5

### ELECTRONIC FILING

(a) Electronic Case Filing Administrative Policies and Procedures Manual. The Clerk of Court is authorized to develop, publish and implement an Electronic Case Filing Administrative Policies and Procedures Manual for the District of Arizona (Administrative Manual).

(b) Filing of Documents Electronically. The Court will accept for filing documents submitted, signed or verified by electronic means consistent with these rules and the Administrative Manual. Filing of documents electronically in compliance with these rules and the Administrative Manual will constitute filing with the Court for purposes of Rule 5(e) of the Federal Rules of Civil Procedure.

(c) Scope of Electronic Filing. All cases filed in this Court will be maintained in the Electronic Case Filing (ECF) System in accordance with these rules and the Administrative Manual.

(d) Registered User Eligibility. Attorneys admitted to the bar of this Court and attorneys and certified students permitted to practice in this Court under Local Rule 83.1(b) are eligible to become Registered Users of the ECF system. Unless the Court orders otherwise, parties appearing without an attorney shall not file documents electronically.

(e) Registration. Applicants shall register to file electronically in a form prescribed by the Clerk of Court.

(f) Password Security. Registered Users shall protect the security of their passwords and shall immediately notify the Clerk of Court if they learn that their password has been compromised.

(g) Signatures. The log-in and password required to submit documents to the ECF System constitute the Registered User's signature on all electronic documents filed with the Court for purposes of Rule 11 of the Federal Rules of Civil Procedure. Documents signed by an attorney shall be filed using that

attorney's ECF log-in and password and shall not be filed using a log-in and password belonging to another attorney. No person shall knowingly permit or cause to permit a Registered User's password to be used by anyone other than an authorized agent of the Registered User.

(h) **Service of Electronic Filings.** Registration as an ECF user constitutes consent to the electronic service of all documents through the Court's transmission facilities for purposes of Rule 5(b)(2)(D) of the Federal Rules of Civil Procedure. Transmission of the Notice of Electronic Filing to a Registered User's e-mail address constitutes service of the hyperlinked document(s). Only the Notice of Electronic Filing, generated and transmitted by the ECF system, is sufficient to constitute electronic service of an electronically filed document. Non-registered users shall be provided notice of the filing by other means in accordance with the Federal Rules of Civil Procedure.

**F.R.CIV.P. 6. Time**

~~(NO LOCAL RULE)~~

**LRCiv 6.1**

**MOTIONS AND STIPULATIONS FOR EXTENSIONS OF TIME**

Motions and stipulations for extensions of time are governed by Rule 7.3 of the Local Rules of Civil Procedure.

### III. Pleadings and Motions

#### F.R.CIV.P. 7. Pleadings Allowed; Form of Motions

##### LRCiv 7.1

##### FORMS OF PAPERS

(a) **Title Page.** The following information shall be stated upon the first page of every document and may be presented for filing single-spaced\*:

(1) The name, address, e-mail address, State Bar Attorney number, telephone number, and optionally the fax facsimile number ~~and electronic mail address~~, of the attorney appearing for the party in the action or proceeding and whether the attorney appears for the plaintiff, defendant, or other party - in propria persona - shall be typewritten or printed in the space to the left of the center of the page and beginning at line one (1) on the first page. The space to the right of the center shall be reserved for the filing marks of the Clerk.

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(b) **Pleadings and Other Papers.**

(1) All pleadings and other papers shall be submitted on unglazed paper 8 ½ inches by 11 inches and shall be signed as provided in Rule 11 of the Federal Rules of Civil Procedure. Documents intended for filing shall be presented to the Clerk's Office without being folded or rolled and shall be kept in flat files. The body of all documents shall be typed double-spaced and shall not exceed 28 lines per page; they shall not be single-spaced except for footnotes and indented quotations. All pleadings, motions and other original papers ~~filed with the Clerk~~ shall be in a fixed-pitch type size no smaller than ten (10) pitch (10 letters per inch) or in a proportional font size no smaller than 13 point. Pages of the document must be numbered. The left margin shall not be less than 1 ½ inches and the right margin shall not be less than ½ inch. All documents presented for filing shall be stapled in the upper left-hand corner. Documents which are too large for stapling should be bound with a metal prong fastener at the top, center of



the document. Documents filed by incarcerated persons are exempt from the stapling and fastening requirements.

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(3) Proposed orders prepared for the signature of a United States District Judge or a Magistrate Judge must be prepared on a separate document containing the heading data required by subparagraphs (a)(2) and (3) above as appropriate, and must not be included as an integral part of stipulations, motions, or other pleadings. The proposed order must not contain any information identifying the party submitting the order. Proposed orders submitted electronically must not contain a date or signature block. All other proposed orders must contain tThe following uniform signature block ~~must be contained in the proposed order as indicated below~~ (Magistrate Judges should be adapted accordingly):

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(Judge's Name)  
United States District Judge

(c) **Electronic Documents.** Documents submitted for filing in the ECF System shall be in a Portable Document Format (PDF). Documents which exist only in paper format shall be scanned into PDF for electronic filing. All other documents shall be converted to PDF directly from a word processing program (e.g., Microsoft Word® or Corel WordPerfect®), rather than created from the scanned image of a paper document.

~~(c)~~(d) **Attachments to Pleadings and Memoranda.**

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## **LRCiv 7.2**

### **MOTIONS\***

(a) Motions Shall be in Writing. All motions, unless made during a hearing or trial, shall be in writing and shall be made sufficiently in advance of trial to comply with the time periods set forth in this Local Rule and any Court order and to avoid any delays in the trial.

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(h) **Telephone Argument and Conferences.** The Court may, in its discretion, order or allow oral argument on any motion or other proceeding by speaker telephone conference call, provided that all conversations of all parties are audible to each participant and the Court. Upon request of any party, such oral argument may be recorded by court reporter or other lawful method under such conditions as the Court shall deem practicable. Counsel shall ~~schedule~~ request scheduling of such calls at a time convenient to all parties and the Court. The Court may direct which party shall pay the cost of the call.

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(i) **Briefs or Memoranda of Law; Effect of Non-Compliance.** If a motion does not conform in all substantial respects with the requirements of this Local Rule, or if the ~~opposing~~ unrepresented party or counsel does not serve and file the required answering memoranda, or if the unrepresented party or counsel ~~for any party~~ fails to appear at the time and place assigned for oral argument, such non-compliance may be deemed a consent to the denial or granting of the motion and the Court may dispose of the motion summarily.

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(l) **Pending Motions Notification.** Whenever any motion or

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\* The time periods prescribed in the Local Rules are to be computed in accordance with Rule 6, Federal Rules of Civil Procedure.

other matter has been taken under advisement by a District Judge or Magistrate Judge for more than one hundred and eighty (180) days, the attorneys of record in the case shall inquire of the Court, in writing, as to the status of the matter, ~~and shall do so every fourteen (14) days thereafter until the submitted matter has been decided.~~

### LRCiv 7.3

#### MOTIONS/STIPULATIONS FOR EXTENSIONS OF TIME

(a) ~~The time prescribed for the doing of any act may be enlarged by the Court. Such order must be made before the expiration of the time prescribed, except by motion where the failure to act was the result of excusable neglect. It shall be the duty of the~~ A party moving for an extension of time, whether by motion or stipulation, ~~to~~ must disclose the existence of all previous extensions which have been granted concerning the matter for which an extension is sought. ~~Immediately below the title of such motion or stipulation, there shall also be included a~~ A statement indicating whether ~~it~~ the motion or stipulation is the first, second, third, etc. requested extension must be included below the title of the motion or stipulation, i.e. for example: "STIPULATION FOR EXTENSION OF TIME TO ANSWER (Second Request)." The party seeking the extension ~~shall~~ must lodge, separate from the party's motion or stipulation, a proposed form of order consistent with the relief requested, complying with Rule 7.1(b)(3), of the Local Rules of Civil Procedure.

(b) Except in all civil actions in which a party is an unrepresented prisoner, ~~it is the duty of the moving~~ a party to moving for an extension of time, whether by motion or stipulation, must state the position of each other party ~~in all motions for extension of time.~~ If the moving party's efforts to determine the position of any other party are unsuccessful, a statement to that effect must be included in the motion or stipulation.

~~(c) Stipulations to Extend Time. Any stipulation for an extension of time is subject to the requirements prescribed in paragraphs (a) and (b) above.~~

**~~LRCiv 7.4~~**

**~~FAILURE TO APPEAR~~**

~~Where counsel are served with notice of hearing on any application for an order, the failure of such counsel to appear at the time and place named in the notice may be deemed a default in respect to that application.~~

**F.R.CIV.P. 15. Amended and Supplemental Pleadings**

**LRCiv 15.1**

**MOTIONS FOR LEAVE TO AMEND PLEADINGS**

**(a) ~~Motions for Leave to Amend.~~**

~~—————(1) Form; Attachments.~~ A party who moves for leave to amend a pleading must attach a copy of the proposed amended pleading as an exhibit to the motion, which shall indicate in what respect it differs from the pleading which it amends, by bracketing or striking through the text to be deleted and underlining the text to be added.

~~(2)~~ (b) **Lodging of Original Proposed Amendments.** A party who moves for leave to amend a pleading, or who otherwise seeks to amend a pleading by leave of court including by stipulation and order, must lodge with the Clerk of Court an original of the proposed amended pleading. The original must not be physically attached or made an exhibit to a motion to amend, a stipulation to amend, or any other pleading and must contain the original signature of the attorney or unrepresented party proposing the amendment. The amended pleading is not to incorporate by reference any part of the preceding pleading, including exhibits.

~~(3)~~ (c) **Effective Date of Filing Amendments; Service.** The entry of the order granting leave to amend the pleading constitutes the filing date of the amended pleading and the Clerk of Court shall file the lodged pleading once the order is entered. The filing date of the amended pleading always constitutes the act from which the time for service begins to run. Unless otherwise ordered by the Court, or when the amendment adds a new party, the party who amended shall serve the amended pleading within ten (10) days of the filing date of such pleading and file a certificate of service.

**F.R.CIV.P. 56. Summary Judgment**

**LRCiv 56.1**

**MOTIONS FOR SUMMARY JUDGMENT**

~~(a) Any party filing a motion for summary judgment shall set forth separately from the memorandum of law, and in full, the specific facts on which that party relies in support of the motion. The specific facts shall be set forth in serial fashion and not in narrative form. As to each fact, the statement shall refer to a specific portion of the record where the fact may be found (i.e., affidavit, deposition, etc.). Any party opposing a motion for summary judgment must comply with the foregoing in setting forth the specific facts, which the opposing party asserts, including those facts which establish a genuine issue of material fact precluding summary judgment in favor of the moving party. Any party filing a motion for summary judgment shall file a statement, separate from the motion and memorandum of law, setting forth each material fact on which the party relies in support of the motion. Each material fact shall be set forth in a separately numbered paragraph and shall refer to a specific admissible portion of the record where the fact finds support (for example, affidavit, deposition, discovery response, etc.). A failure to submit a separate statement of facts in this form may constitute grounds for the denial of the motion.~~

(b) Any party opposing a motion for summary judgment shall file a statement, separate from that party's memorandum of law, setting forth: (1) for each paragraph of the moving party's separate statement of facts, a correspondingly numbered paragraph indicating whether the party disputes the statement of fact set forth in that paragraph and a reference to the specific admissible portion of the record supporting the party's position if the fact is disputed; and (2) any additional facts that establish a genuine issue of material fact or otherwise preclude judgment in favor of the moving party. Each additional fact shall be set forth in a separately numbered paragraph and shall refer to a specific

admissible portion of the record where the fact finds support. Each numbered paragraph of the statement of facts set forth in the moving party's separate statement of facts shall, unless otherwise ordered, be deemed admitted for purposes of the motion for summary judgment if not specifically controverted by a correspondingly numbered paragraph in the opposing party's separate statement of facts.

(c) In the alternative, the movant and the party opposing the motion shall jointly file a stipulation signed by the parties setting forth a statement of the stipulated facts if the parties agree there is no genuine issue of any material fact. As to any stipulated facts, the parties so stipulating may state that their stipulations are entered into only for the purposes of the motion for summary judgment and are not intended to be otherwise binding.

(d) Notwithstanding the provisions of Rule 7.2 (c), (d), and (f), Local Rules of Civil Procedure, the opposing party shall, unless otherwise ordered by the Court, have thirty (30) days after service within which to serve and file a responsive memorandum in opposition; the moving party, unless otherwise ordered by the Court, shall have fifteen (15) days after service of the responsive memorandum to file a reply memorandum. If oral argument is scheduled pursuant to Rule 7.2(f), Local Rules of Civil Procedure, the time of hearing shall be set so as to give each party sufficient time to comply with these Local Rules and to allow the Court at least ten (10) days additional time prior to the hearing.

(e) Memoranda of law filed in support of or in opposition to a motion for summary judgment, including reply memoranda, shall include citations to the specific paragraph in the statement of facts that support factual assertions made in the memoranda.



**F.R.CIV.P. 67. Deposit in Court**

**LRCiv 67.1**

**INVESTMENT OF FUNDS ON DEPOSIT IN THE REGISTRY ACCOUNT**

The following procedure shall govern deposits into the registry of the Court in all civil actions.

**(a) Receipt of Funds.**

(1) Unless the statute requires the deposit of funds without leave of Court, no ~~money~~ monies shall be sent to the Court or its officers for deposit into the Court's registry without a Court order signed by the presiding Judge in the case or proceeding.

(2) Unless provided for elsewhere in this Local Rule, all ~~money~~ monies ordered to be paid into the Court or received by its officers in any case pending or adjudicated shall be deposited with the Treasurer of the United States in the name and to the credit of this Court pursuant to 28 U.S.C. 2041 through depositories designated by the Treasury to accept such deposit on its behalf.

(3) The party making the deposit or transferring funds to the Court's registry shall serve the order permitting the deposit or transfer on the Clerk or the Chief Deputy Clerk, and upon the Financial Deputy.

(4) Upon making the deposit, a "Notice of Deposit" must be filed with the ~~Court~~ Clerk.

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## **X. District Courts and Clerks**

### **F.R.CIV.P. 77. District Courts and Clerks**

#### **LRCiv 77.1**

#### **LOCATIONS; HOURS OF CLERK'S OFFICES**

(a) **Locations.** The District covers the entire State of Arizona. However, for convenience the District is divided into three ~~unofficial~~ divisions, each named and comprising counties as follows:

Phoenix Division: Maricopa, Pinal, Yuma, La Paz, and Gila counties.

Prescott Division: Apache, Navajo, Coconino, Mohave, and Yavapai counties.

Tucson Division: Pima, Cochise, Santa Cruz, Graham, and Greenlee counties.

(b) **Schedule of Hearings.** The Court shall be open permanently at Phoenix and at Tucson and will sit at Prescott and such other places when and as the Court shall designate.

(c) **Place of Trial.** Unless otherwise ordered by the ~~c~~ Court, all civil and criminal cases founded on causes of action (1) arising in the Phoenix Division shall be tried in Phoenix, (2) arising in the Prescott Division shall be tried in Prescott, and (3) arising in the Tucson division shall be tried in Tucson. All civil and criminal cases founded on causes of action arising on the Tohono O'Odham Indian Reservation shall be tried in Tucson, unless otherwise ordered by the Court. All civil and criminal cases founded on causes of action arising on the San Carlos Indian Reservation shall be tried in Phoenix, unless otherwise ordered by the Court.

(d) **Hours of Clerk's Offices.** The offices of the Clerk shall be open during regular business hours, as designated and posted by the Clerk of Court, on each day except Saturdays, Sundays, and legal holidays enumerated in Fed.R.Civ.P. 77(c), when the offices are closed unless otherwise ordered by the Court.



**F.R.CIV.P. 79. Books and Records Kept by the Clerk  
and Entries Therein**

**LRCiv 79.1**

**CUSTODY AND DISPOSITION OF NON-ELECTRONICALLY SUBMITTED EXHIBITS,  
ADMINISTRATIVE RECORDS, AND SEALED DOCUMENTS**

(a) **Retained by Party or Attorney.** All non-electronically submitted exhibits offered by any party in civil or criminal proceedings, whether or not received as evidence, shall be retained after trial by the party or attorney offering the exhibits, unless otherwise ordered by the Court. All non-electronically submitted administrative records offered by any party, whether or not received into evidence, in Social Security cases and other cases reviewed under the Administrative Procedure Act will be returned to counsel at the conclusion of the action, including any appeal, unless otherwise ordered by the Court.

(b) **Transmitted on Appeal.** In the event an appeal is prosecuted by any party, each party to the appeal shall promptly file with the Clerk any non-electronically submitted exhibits to be transmitted to the appellate court as part of the record on appeal. Those exhibits not transmitted as part of the record on appeal shall be retained by the parties who shall make them available for use by the appellate court upon request.

(c) **Notice to Remove Non-electronically Submitted Exhibits and Administrative Records.** If any party, having received notice from the Clerk concerning the removal of non-electronically submitted exhibits or administrative records, fails to do so within thirty (30) days from the date of such notice, the Clerk may destroy or otherwise dispose of those exhibits or administrative records.

(d) **Sealed Documents - Generally.** Unless otherwise ordered by the Court, any sealed document, paper, case file or thing in any action where final judgment or final disposition occurred in 1990 or thereafter, will be subject to the custody and disposition

processes according to (e) or (f), below, as applicable.

**(e) Sealed Documents - Actions in Which No Trial Commenced.**

Unless otherwise ordered by the Court, any document, paper, case file or thing filed under seal in any action for which no trial commenced shall be eligible for destruction no less than 23 years from the date of entry of final judgment or final disposition. The seal will be vacated without further action by the Court at the time of destruction.

**(f) Sealed documents - Actions in Which the Case Was Terminated During or After Trial.** Unless otherwise ordered by the Court, any document, paper, case file or thing filed under seal in any action for which a trial commenced shall be unsealed without further action by the Court 23 years from the date of entry of final judgment or final disposition, and will remain stored as a permanent record. This Local Rule further applies to all cases consolidated pursuant to Rule 65(a), Federal Rules of Civil Procedure.

~~—The following types of c Cases will be exempt from this practice:~~

- ~~—• Sexual abuse cases filed pursuant to 18 U.S.C. § 3509-~~
- ~~—• J and juvenile cases, unless the record has been expunged-, are exempt from this paragraph.~~

***[As approved by Local Rules Committee on 02-02-06, there is no paragraph break between the final- and the preceding sentence]***

**F.R.CIV.P. 83. Rules by District Courts; Judge's Directives**

**LRCiv 83.1**

**ATTORNEYS**

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(c) **Subscription to Court Electronic Newsletters.** Registered users of the Court's Electronic Case Filing (ECF) system must subscribe to the USDC District of Arizona News (at [www.azd.uscourts.gov/subscribe](http://www.azd.uscourts.gov/subscribe)) to receive email notices relating to new or updated local rules, general orders, and electronic case filing procedures.

(ed) **Association of Local Counsel.** Nothing herein shall prevent any judicial officer from ordering that local counsel be associated in any case.

(de) **Disbarment or Suspension.** An attorney who, before admission or permission to practice pro hac vice has been granted, unless specially authorized by one of the judges, or during disbarment or suspension exercises any of the privileges of a member of this bar, or who pretends to be entitled to do so, is subject to appropriate sanctions after notice and opportunity to be heard.

(ef) **Sanctions for Noncompliance with Rules or Failure to Appear.**

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**LRCiv 83.3**

**APPEARANCE BY ATTORNEY OR PARTY; NAME AND ADDRESS CHANGES;**

**CONTROL OF CAUSE**

(a) **Attorney of Record; Duties of Counsel.** Except as provided below, no attorney shall appear in any action or file anything in any action without first appearing as counsel of record. In any matter, even if it has gone to judgment, there must be a formal substitution or association of counsel before any attorney, who is not an attorney of record, may appear. An attorney of record shall be deemed responsible as attorney of record in all matters before and after judgment until the time for appeal expires or until there has been a formal withdrawal from or substitution in the case. ~~Notwithstanding the provisions of paragraph (b) of this Local Rule, whenever a federal, state, county or municipal law office headed by a public officer who has appeared as counsel of record, or a private or public law firm that has been retained by a party and has appeared as counsel of record while remaining counsel of record wishes to substitute or associate an attorney who is a member of, associated with, or otherwise employed by that office or firm such substitution or association may be accomplished by timely filing a notice of substitution or association with the Clerk of the Court. The notice shall state the names of the attorneys who are the subjects of the substitution or association and the current address and e-mail address of the attorney substituting or associating. An occasional court appearance or filing of a pleading, motion or other document as associate counsel at the request of an attorney of record shall not require the filing of a notice of association.~~

(b) **Withdrawal and Substitution.** No attorney shall be permitted to withdraw or be substituted as attorney of record in any pending action except by formal written order of the Court, supported by written application setting forth the reasons therefor together with the name, last known residence and last known telephone number of the client, as follows:



(1) Where such application bears the written approval of the client, it shall be accompanied by a proposed written order and may be presented to the Court *ex parte*. The withdrawing attorney shall give prompt notice of the entry of such order, together with the name, last known residence and last known telephone number of the client, to all other parties or their attorneys.

(2) Where such application does not bear the written approval of the client, it shall be made by motion and shall be served upon the client and all other parties or their attorneys. The motion shall be accompanied by a certificate of the attorney making the motion that (A) the client has been notified in writing of the status of the case including the dates and times of any court hearings or trial settings, pending compliance with any existing court orders and the possibility of sanctions, or (B) the client cannot be located or for whatever other reason cannot be notified of the pendency of the motion and the status of the case.

(3) No attorney shall be permitted to withdraw as attorney of record after an action has been set for trial, (A) unless there shall be endorsed upon the application therefore, either the signature of an attorney stating that the attorney is advised of the trial date and will be prepared for trial, or the signature of the client stating that the client is advised of the time and date and has made suitable arrangements to be prepared for trial, or (B) unless the Court is otherwise satisfied for good cause shown that the attorney should be permitted to withdraw.

(4) Notwithstanding the provisions of paragraph (b) of this Local Rule, whenever a federal, state, county or municipal law office headed by a public officer who has appeared as counsel of record, or a private or public law firm that has been retained by a party and has appeared as counsel of record while remaining counsel of record wishes to substitute or associate an attorney who is a member of, associated with, or otherwise employed by that office or firm such substitution or association may be accomplished by timely filing a notice of substitution or association with the

Clerk of the Court. The notice shall state the names of the attorneys who are the subjects of the substitution or association and the current address and e-mail address of the attorney substituting or associating. An occasional court appearance or filing of a pleading, motion or other document as associate counsel at the request of an attorney of record shall not require the filing of a notice of association. Counsel substituted or associated pursuant to this paragraph must also comply with (b)(3) above.

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(d) **Changes of Name, Affiliation, Address.** Any ~~attorney or~~ unrepresented party in an action pending in this District must file and serve a written notice advising if he or she has a change in name or address, ~~or~~ Any attorney in an action pending in this District must file and serve a written notice advising if he or she has a change in name, firm name, or address or e-mail address if an attorney. The attorney's State Bar Attorney number must appear on such notification. The notice must be filed ten (10) days before the move becomes effective, and include all case numbers of all pending matters in which the unrepresented party or the attorney has appeared. An attorney whose name, address, e-mail address, firm name or address has changed must also update the information through the Electronic Case Filing System utility menu.

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**LRCiv 83.4**

**STUDENT PRACTICE RULE**

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(f) **Permitted Student Activities.** A certified student may, under the personal supervision of his or her supervisor:

(1) Represent any client including federal, state, or local government bodies and engage in the activities permitted hereunder only if the client ~~on whose behalf the student is to act shall have~~ has approved in writing ~~on a consent form available from the Clerk the performance of such acts by such certified student such representation~~. In the case of criminal matters, the consent ~~form~~ necessary for a certified student to appear on behalf of the federal government or an agency thereof may be executed by the United States Attorney or authorized representative.

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(5) In all instances in which, under these Local Rules, a certified student is permitted to appear in any trial, hearing, or other proceeding before any District Judge or Magistrate Judge of the United States District Court for the District of Arizona, the certified student shall, as a condition to such appearance, cause the filing of ~~the~~ written consent ~~form~~ or present ~~the~~ such written consent ~~form~~ for filing to the District Judge or Magistrate Judge.

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**F.R.CRIM.P. 12. Pleadings and Pretrial Motions**

**LRCrim 12.1**

**FORMS OF PAPERS AND MOTIONS**

With regard to Forms of Papers and Motions, see Rules 7.1 and 7.2~~7~~ of the Local Rules of Civil Procedure.

(NO LRCrim 16.2 or 16.3)

LRCrim 16.4

COMPLEX CASES

(a) **Declaration of Complex Case.** ~~Upon the return of an indictment by the grand jury, the attorney for the government shall note on the case summary form whether the case is considered so unusual or complex within the meaning of 18 U.S.C. § 3161(h)(8)(B)(ii). If designated complex by the government, at the time of arraignment, the Magistrate Judge shall set the matter for a status conference to be held within ten (10) days before the District Judge to whom the case is assigned, who shall then determine whether the case is complex. If a finding of complex case is made, the court shall set a schedule for discovery and motions. The District Judge shall also consider at such a conference or at any other time so requested by a party or by the court sua sponte whether to adopt procedures to regulate discovery and facilitate trial time. If a case is not designated complex by the government and counsel for the defendant believes that the case should be so designated, defendant's counsel shall so inform the Magistrate Judge at the time of arraignment. At that time, the Magistrate Judge shall set the matter for a status conference within ten (10) days before the District Judge to whom the case is assigned, who shall then determine whether the case is complex. If the finding of complex case is made, the court may enter order(s) concerning discovery and motions as set forth above. On motion of any party or at the Court's own initiative, the Court may treat the case as unusual or complex within the meaning of 18 U.S.C. § 3161(h)(8)(B)(ii). If the Court determines the case to be complex, a status conference will be held within twenty-one days to determine a schedule for discovery, motions and any other pretrial case management issues.~~

(b) **Duty to Confer.** ~~Within ten (10) days of the date after the District Judge declares a case complex, counsel for the~~

~~government and for the defendant shall confer in good faith to determine the obligations as to the scope of discovery that must be produced by all parties and the most practicable manner and times to exchange discovery. If the parties cannot agree on the scope and manner and times of exchange of discovery, the party seeking to enforce its rights shall submit the appropriate motion to regulate or compel discovery and shall state in the motion that it has conferred in good faith with counsel for the opposing party but despite attempts to resolve the issue, the parties could not reach agreement. Before any status conference in a complex case to discuss discovery and disclosure issues, counsel shall confer in good faith to determine what discovery issues can be resolved by agreement. If the parties cannot agree on the scope, manner, or time of discovery, counsel for the parties shall file a joint report setting forth the issues agreed upon and those in dispute.~~

**F.R.CRIM.P. 46. Release from Custody; Supervising Detention**

**LRCrim 46.1**

**BAIL**

(a) **Bonds Taken by Magistrate Judges.** Unless otherwise ordered by the Court, all bonds in criminal cases for appearance before this Court shall be taken by Magistrate Judges and must be immediately forwarded to the Clerk's office by the Magistrate Judge taking such bond and must have endorsed thereon his or her approval. Bond monies will be deposited into the registry of the Court as provided by LRCiv 67.1.

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**F.R.CRIM.P. 47. Motions and Supporting Affidavits**

~~{NO LOCAL RULE}~~

**LRCrim 47.1**

**FORMS OF PAPERS AND MOTIONS**

With regard to Forms of Papers and Motions, see Rules 7.1 and 7.2 of the Local Rules of Civil Procedure.

**LRCrim 49.3**

**ELECTRONIC FILING AND SERVICE**

With regard to electronic filing and service, see Rule 5.5 of the Local Rules of Civil Procedure.



**F.R.CRIM.P. 56. When Court is Open**

~~(NO LOCAL RULE)~~

**LR crim 56.1**

**HOURS OF CLERK'S OFFICES**

With regard to hours of Clerk's offices, see Rule 77.1(d) of the Local Rules of Civil Procedure.